

REMARKS

Claims 30-38, 40, 42-49, 94, 95, 97-102, 120, 121, 123-126 and 128 are pending in this application. By this Amendment, claims 30, 40, 44, 94, 95, 99, 120, 121 and 125 have been amended and claims 39, 41, 50-93, 96, 103-119, 122, 127 and 129-146 have been canceled without prejudice to or disclaimer of the subject matter recited therein. Support for the amendment to claim 30 can be found at, for example, canceled claim 41. Support for the amendment to claim 94 can be found at, for example, canceled claim 96. Support for the amendment to claim 120 can be found at, for example, canceled claim 122. Claims 40, 44, 95, 99, 121 and 125 have been amended to correct antecedent basis. No new matter is added. Reconsideration and prompt allowance of the application in view of the above amendments and following remarks is respectfully requested.

I. Allowable Subject Matter

Applicant appreciates the indication of allowable subject matter in claims 41,46-48, 96 and 122.

II. Informalities Objection

The Office Action objects to claim 120 based on informalities. Claim 120 has been amended in view of this objection. Accordingly, Applicant respectfully requests withdrawal of the objection.

III. Rejection Under §112, Second Paragraph

The Office Action rejects claims 30, 31, 32 and 94 under 35 U.S.C. §112, second paragraph.

Claims 30 and 94 have been amended in view of this rejection. With respect to claims 31 and 32, the Examiner appears to be asserting that the beam bundle recited therein is lacking in structural source between the beam bundle and the other elements of the claim. Applicant respectfully submits that claims 31 and 32 provide sufficient structural source

between the claimed elements. Claims 31 and 32 recite "a beam bundle of substantially spherical waves in a substantially circular polarization state is incident to the pair of optically transparent members." Thus, Applicant respectfully submits that the beam bundle, as recited in claims 31 and 32, is recited with respect to the optically transparent member.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

IV. Rejection Under §102(b)

The Office Action rejects claims 30, 31, 35-38, 49, 94 and 120 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,191,880 to Schuster.

Claim 30 has been amended to incorporate the allowable subject matter of claim 41. Claim 94 has been amended to incorporate the allowable subject matter of claim 96. Claim 120 has been amended to incorporate the allowable subject matter of claim 122. The rejections with respect to claims 30, 94 and 120 are thus moot in view of these amendments.

It is unnecessary to separately discuss the features recited in dependent claims 31, 35-38, and 49 given the existence of clear and distinguishing features in independent claims 30, 94 and 120.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

V. Rejection Under §103(a)

A. Rejection Over Schuster And Omura

The Office Action rejects claims 32-34 under 35 U.S.C. §103(a) as being obvious over Schuster, as applied to claim 30, and further in view of U.S. Patent Application Publication No. 2004/0004771 to Omura.

Claim 30 has been amended to incorporate the allowable subject matter of claim 41. The rejection with respect to claim 30 is thus moot in view of this amendment.

It is unnecessary to separately discuss the features recited in dependent claims 32-34 given the existence of clear and distinguishing features in independent claim 30.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

B. Rejection Over Schuster And Levinson

The Office Action rejects claims 39, 40, 42-44, 94, 95, 97-99, 121 and 123-125 under 35 U.S.C. §103(a) as being obvious over Schuster, as applied to claim 30, 94 and 120, and further in view of Principles of Lithography to Levinson.

Claim 39 has been canceled and thus, the rejection with respect to this claim is now moot.

Claim 30 has been amended to incorporate the allowable subject matter of claim 41. Claim 94 has been amended to incorporate the allowable subject matter of claim 96. Claim 120 has been amended to incorporate the allowable subject matter of claim 122. The rejections with respect to claims 30, 94 and 120 are thus moot in view of these amendments.

It is unnecessary to separately discuss the features recited in dependent claims 40, 42-44, 95, 97-99, 121 and 123-125 given the existence of clear and distinguishing features in independent claims 30, 94 and 120.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

C. Rejection Over Schuster, Levinson And Gerhard

The Office Action rejects claims 45, 100 and 126 under 35 U.S.C. §103(a) as being obvious over Schuster in view of Levinson, as applied to claims 44, 99 and 125, and further in view of U.S. Patent Application Publication No. 2002/0186462 to Gerhard.

Claim 30 has been amended to incorporate the allowable subject matter of claim 41. Claim 94 has been amended to incorporate the allowable subject matter of claim 96. Claim 120 has been amended to incorporate the allowable subject matter of claim 122. The rejections with respect to claims 30, 94 and 120 are thus moot in view of these amendments.

It is unnecessary to separately discuss the features recited in dependent claims 45, 100 and 126 given the existence of clear and distinguishing features in independent claims 30, 94 and 120.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

D. Rejection Over Schuster And Fukami

The Office Action rejects claims 102 and 128 under 35 U.S.C. §103(a) as being obvious over Schuster, as applied to claims 99 and 120, and further in view of WO 99/49504 to Fukami et al. (hereinafter "Fukami").

Claim 94 has been amended to incorporate the allowable subject matter of claim 96. Claim 120 has been amended to incorporate the allowable subject matter of claim 122. The rejections with respect to claims 94 and 120 are thus moot in view of these amendments.

It is unnecessary to separately discuss the features recited in dependent claims 102 and 128 given the existence of clear and distinguishing features in independent claims 94 and 120.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

VI. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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